

CITY OF SAN BRUNO



567 El Camino Real
San Bruno, CA 94066
Voice: (650) 616-7074
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<http://www.sanbruno.ca.gov>

STAFF

Aaron Akin, AICP, *Interim Community Development Director*
Mark Sullivan, AICP, *Housing and Redevelopment Manager*
Lisa Costa Sanders, *Acting Planning Manager*
Tony Rozzi, *Assistant Planner*
Laura Russell, *Assistant Planner*
Pamela Thompson, *City Attorney*

PLANNING COMMISSION

Rick Biasotti, *Chair*
Bob Marshall, Jr, *Vice-Chair*
Kevin Chase
Mary Lou Johnson
Perry Petersen
Joe Sammut
Sujendra Mishra

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION AGENDA

Tuesday, May 15, 2007
San Bruno Senior Center
1555 Crystal Springs Road
7:00 p.m.

Roll Call

Pledge of Allegiance

A.	Approval of Minutes	March 20, 2007	
B.	Communications		
C.	Public Comment		↓
			Actions
D.	Announcement of Conflict of Interest		
E.	Public Hearings		
1.	Temporary Use Permit Ordinance <u>Environmental Determination:</u> Categorical Exemption	Ordinance modifying and clarifying the process for obtaining Temporary Use Permits for various activities and for obtaining Police Permits for dance or entertainment events	
F.	Discussion		
1.	City Staff Discussion	<ul style="list-style-type: none">San Bruno Historical InventorySelect June 14, 2007 Architectural Review Committee Members.	
2.	Planning Commission Discussion		
G.	Adjournment		

Note: If you challenge the above actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

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Commissioners:
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COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES

April 17, 2007

San Bruno Senior Center
1555 Crystal Springs Blvd.
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:03 pm.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Biasotti	X	
Vice Chair Marshall	X	
Commissioner Chase	X	
Commissioner Johnson		X
Commissioner Mishra	X	
Commissioner Petersen	X	
Commissioner Sammut	X	

STAFF PRESENT:

Planning Division: Interim Community Development Director: Aaron Akin
City Attorney: Pamela Thompson
Acting Planning Manager: Lisa Costa Sanders
Assistant Planner: Tony Rozzi
Assistant Planner: Laura Russell

Pledge of Allegiance: Acting Planning Manager: Lisa Costa Sanders

A. Approval of Minutes – March 16, 2007

Motion to Approve Minutes of March 16, 2007 Planning Commission meeting

Marshall/ Mishra

VOTE: 6-0
AYES: All Commissioners Present
NOES: None
ABSTAIN: None

B. Communication

Introduce Rick Jarvis, Consulting Attorney regarding item E.6.

E-Packets are available on line at www.sanbruno.ca.gov

C. Public Comment

None at this time.

D. Announcement of Conflict of Interest

Vice Chair Marshall: conflict with item E.6; business with owner of property.

Commissioner Johnson: Owns property within 500 ft. of site with item E.6.

E. Public Hearings

1. 217 Mastick

Request for a Use Permit to allow the construction of a lower third story which increases the gross floor area by greater than 50% (55%) and proposes a floor area ratio that exceeds the .55 guideline (.70) and a Parking Exception to allow tandem garage parking per Sections 12.200.030.B.4, 12.200.030.B.1, 12.200.030.B.2 and 12.200.080.C of the San Bruno Zoning Ordinance. AZ Engineering (Applicant), Todd and Tiffany Guerin (Owner) UP-07-010; PE-06-007

Assistant Planner Rozzi: Entered staff report

Staff recommends that the Planning Commission approve Use Permit 07-010 and Parking Exception 06-007 based on the Findings of Fact (1-8), subject to Conditions of Approval (1-18).

Chair Biasotti asked Commission if there were any questions for staff.

None

Commissioner Marshall: Noted that this is the first historical home for review.

Rozzi: Stated that the city conducted an inventory; of historical structures and determined the historical status.

Vice Chair Marshall: Asked if the owner had to approve the historical status?

Rozzi: Responded, no.

Interim Director Akin: CEQA protects historic resources, regardless of local designation.

Vice Chair Marshall: Does the state have restrictions on what alterations can be done, even if the owner didn't apply.

Interim Director Akin: No. The house is not registered as an historic landmark. It's just on our local. It is something that we have to refer to as staff and make sure that architectural changes are consistent with what makes the home historic in the first place.

Commissioner Petersen: Is the FAR calculated on adjusted lot size?

Assistant Planner Rozzi: Yes.

Applicant: Stated that, foundation needs to be reinforced, and distributed photos of the existing basement.

Commissioner Mishra: Regarding Condition #13, is the drain to the curb feasible?

Applicant: Yes, it may need a pump. It is at the same level as the street.

Commissioner Mishra: What is the proposed garage door style?

Assistant Planner Rozzi: It is per color rendering.

Commissioner Mishra: First floor behind the stairs, the space behind is not identified.

Applicant: Connecting foundation and extending the bay window.

Chair Biassotti: There is a concrete pad on the side of the house, is it being removed?

Applicant: Yes, we will remove it and replace with landscape.

Commissioner Mishra: In your review of the Green Building checklist, was it helpful?

Applicant: Yes it was helpful, it gets you to think about your other materials.

Public Comment opened.

None

Public Comment closed.

Chair Biasotti opened up to Commission for discussion.

Commissioner Petersen: Requested a condition be added requiring a sewer, and clean-out. He stated that he will vote against application due to high floor area ratio.

Motion to approve Use Permit 06-33 based on Findings of Fact 1-8 and subject to conditions 1-18 with additional Condition.

Commissioner Chase/ Mishra

VOTE: 5-1

AYES: Commissioners Biasotti, Marshall, Chase, Sammut, Mishra

NOES: Commissioner Petersen

ABSTAIN: None

Chair Biassotti advised of a 10-day appeal period.

FINDINGS OF FACT

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use since all construction will meet the Uniform Building Code and attain all appropriate Building Division permits.
2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given the expansion is in scale with the neighborhood as reasonably possible considering its historical significance and off-street parking requirements will be met, thereby eliminating any negative impacts to on-street parking availability.
3. The proposed development will be consistent with the general plan, since the proposed single family home meets the general plan designation of low density residential for the subject property.
4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage

the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood as reasonably possible considering its historical significance.

5. That the general appearance of the proposed architectural design will be in keeping with the character of the neighborhood as reasonably possible considering its historical significance, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood since this addition has been well designed with appropriate finished materials for any exterior portions of the home affected.
6. The proposed expansion complies with applicable off-street parking standards of the City of San Bruno Zoning Ordinance with approval of the parking exception request.
7. The strict application of the parking requirement provisions would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property since it is a substandard lot and is of historical significance and thus limited in the scope of façade alteration allowed.
8. That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this chapter as are reasonably possible.

CONDITIONS OF APPROVAL

Community Development Department – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 07-010 and Parking Exception 06-007 shall not be valid for any purpose. Use Permit 07-010 and Parking Exception 06-007 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit and Parking Exception for an addition shall be built according to plans approved by the Planning Commission on April 17, 2007, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. The rental of a room does

not qualify as a secondary dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.

7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Applicant shall submit a final landscaping plan for Planning staff approval prior to Building Division permit issuance. Landscaping plan shall meet minimum 15% landscaped area requirement per Municipal Code 12.84.180.B.
9. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.

Department of Public Works – (650) 616-7065

10. Encroachment Permit from Engineering Department required prior to work in the public right-of-way. S.B.M.C. 8.16.010
11. Remove and replace all sidewalk at front of property for all locations where there are any raised or offset concrete sections greater than 3/4-inch. S.B.M.C. 8.12.010.
12. Storm water from new and existing roof down-spouts shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
13. New drain at new garage door to discharge to curb through new curb drain.
14. If not present, install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
15. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule. S.B.M.C. 8.24.060

Fire Department – (650) 616-7096

16. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
17. Provide hardwired smoke detectors with battery backup to all new bedrooms and hallways.
18. Provide spark arrestor if chimney is present.

19. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

2. 2811 Crestmoor

Request for a Use Permit to allow the construction of an addition which increases the gross floor area by greater than 50% (58%) and proposes a floor area ratio that exceeds the .55 guideline (.552) per Sections 12.200.030.B.1 and 12.200.030.B.2 of the San Bruno Zoning Ordinance. Robert S. George (Applicant), Ana and Andrew Kimoto (Owners) UP-07-008

Assistant Planner Rozzi: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 07-008 based on the Findings of Fact (1-6), subject to Conditions of Approval (1-17).

Chair Biasotti: Asked Commission if there were any questions for staff.

Commissioner Sammut: Why not round down floor the area?

Assistant Planner Rozzi: Responds, that the proposed is over floor area and greater than 50% increase.

Applicant: Architect Robert George, reviewed the proposed plans noting the open area above kitchen is intended to improve communication between levels. Second floor includes home office. He tried to design sustainable home.

Commissioner Chase: Concern with no windows on second floor projection, needs something.

Vice Chair Marshall: Window coverings will help with heat issue. Needs to be dressed up. Upper kitchen is open to below?

Applicant: Yes.

Commissioner Petersen: Finer Architecture. Asked the Architect his opinion of the windows at front elevation?

Applicant: The room is intended for storage, windows will lose wall space. Could add a ceiling vent.

Commissioner Sammut: Suggest, faux windows.

Applicant: Yes, could do something.

Commissioner Chase: Asked about the tree planting requirements.

Interim Director Akin: Process to get more trees in San Bruno.

Chair Biasotti: Are you removing any trees for this project?

Applicant: Yes, one in front of the house.

Commissioner Mishra: What was you opinion of the Green Building checklist?

Applicant: Felt it was a good planning document. Encourage you to continue using it.

Public Comment opened.

None.

Public Comment closed.

Motion to approve Use Permit 07-008 based on the Findings of Fact (1-6), subject to Conditions of Approval (1-18). Approval subject to the Architect to work with staff to improve front elevation with window or other architectural element.

Commissioner Johnson/Petersen

VOTE: 6-0
AYES: All Commissioners Present
NOES: None
ABSTAIN: None

Chair Biasotti advised of a 10-day appeal period.

FINDINGS OF FACT

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use since all construction will meet the Uniform Building Code and attain all appropriate Building Division permits.
2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given the expansion is in scale with the neighborhood and off-street parking requirements will be met, thereby eliminating any negative impacts to on-street parking availability.
3. The proposed development will be consistent with the general plan, since the proposed single family home meets the general plan designation of low density residential for the subject property.
4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
5. That the general appearance of the proposed architectural design will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood since this addition has been well designed with appropriate finished materials.
6. The proposed expansion complies with applicable off-street parking standards of the City of San Bruno Zoning Ordinance.

CONDITIONS OF APPROVAL

Community Development Department – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 07-008 shall not be valid for any purpose. Use Permit 07-008 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on April 17, 2007, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. The rental of a room does not qualify as a secondary dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. All front yard fencing within the required 15'-0" setback shall be no higher than 3'-0". S.B.M.C. 12.84.150.
9. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
10. Architect to work with staff to improve the front elevation with a window or other architectural element.

Department of Public Works – (650) 616-7065

11. Encroachment Permit from Engineering Department required prior to work in the public right-of-way. S.B.M.C. 8.16.010
12. Remove and replace all sidewalk at front of property for all locations where there are any raised or offset concrete sections greater than 3/4-inch. S.B.M.C. 8.12.010.
13. Storm water from new and existing roof down-spouts shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
14. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule. S.B.M.C. 8.24.060

Fire Department – (650) 616-7096

15. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
16. Provide hardwired smoke detectors with battery backup to all new bedrooms and hallways.
17. Provide spark arrestor if chimney is present.
18. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

3. 1161 San Mateo

Request for a Use Permit to allow motorcycle sales in conjunction with an existing repair facility per Section 12.96.110.C.8 of the San Bruno Zoning Ordinance. Leon D'Aquino (Applicant); Richard Bertoldi (Owner) UP-07-005

Assistant Planner Rozzi: Entered in staff report.

Staff recommends that the Planning Commission approve Use Permit 07-005 based on the Findings of Fact (1-4), subject to Conditions of Approval (1-14).

Chair Biasotti asked Commission if there were any questions for staff.

Vice Chair Marshall: Where will the owner of the business park?

Assistant Planner Rozzi: The business owner has an agreement with the neighbors to park across the street.

Vice Chair Marshall: Would rather have the business owner park on-site.

Assistant Planner Rozzi: On street parking is public parking.

Commissioner Chase: Two spaces in driveway are proposed for customer parking, motorcycles do not need that much space. The business owner should park in his own vehicle in driveway.

Applicant: Shop is limited on space, so focus on motorcycle repair work. The work is seasonal and we are hoping to grow business with motorcycle sales.

Commissioner Chase: Due to the size of the shop, how do you propose to do sale of motorcycles?

Applicant: The shop can fit 40 motorcycles, side by side they don't take up too much room.

Commissioner Chase: Would it be for the sale of new motorcycles?

Applicant: No. Mostly used.

Public Comment opened.

None

Public Comment closed.

Motion to approve Use Permit 07-005 based on the Findings of Fact (1-4), subject to Conditions of Approval (1-14). Approve with modifying condition (12) "space shall be available in the driveway for customer parking".

Commissioner Sammut/Marshall

VOTE:	6-0
AYES:	All Commissioners Present
NOES:	None
ABSTAIN:	None

Chair Biasotti advised of a 10-day appeal period.

FINDINGS OF FACT

1. The proposed new use will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use since the property will be subject to all performance standards of the municipal code governing a motorcycle repair facility.
2. The proposed new use will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given the new use is consistent with the types of businesses located in the area.
3. The proposed development will be consistent with the general plan, since the proposed new use meets the general plan designation of industrial/commercial for the subject property.
4. The proposed expansion of use complies with applicable off-street parking standards of the City of San Bruno Zoning Ordinance.

CONDITIONS OF APPROVAL

Community Development Department – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 07-013 shall not be valid for any purpose. Use Permit 07-013 shall expire one (1) year from the date

- of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in any Building Division submittal for improvements related to motorcycle repair.
 3. The request for a Use Permit to sell motorcycles in conjunction with a repair facility shall be operated and located according to plans approved by the Planning Commission on April 17, 2007, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
 4. Prior to operation, all pertinent conditions of approval and any required improvements shall be completed to the satisfaction of the City of San Bruno.
 5. All trash and trash containers shall be stored within appropriate designated trash areas. Sufficient trash container capacity shall be provided to ensure that all trash and debris from the building can be stored within the trash container area and with completely closed lids.
 6. The property owner shall comply with the requirements of the San Bruno Recycling Ordinance.
 7. The operation of any equipment or performance of any activity related to this business shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
 8. The business may operate from 7:00 A.M. until 7:00 P.M., Monday through Sunday. Any alteration to this schedule will require written approval by the Community Development Director.
 9. Approval of Use Permit 07-013 grants the right to sell motorcycle vehicles and related equipment only. No sales or repair/body work of automobiles is allowed on the subject property.
 10. The building shall be used for the storage and repair of motorcycles. No assessment of motorcycles, repair/ bodywork of motorcycles or transactions with customers may occur outside of the building or on the street. All business operation shall be located entirely on the subject property.
 11. No parking of repair motorcycles is allowed on the street at any time.
 12. Space shall be available in the driveway for customer parking.
 13. The applicant or property owner will clean graffiti on the property and/or paint over it within 24 hours of its appearance, using a matching paint color. This condition also gives the City of San Bruno consent to have the graffiti painted out for the applicant. If the graffiti is not removed within 24 hours, the City's graffiti removal vendor will be instructed to remove the graffiti and provide a detailed accounting of the cost to the property owner, who will be responsible for reimbursing the City for the graffiti removal.

14. Failure to conform to these conditions or the San Bruno Municipal Code will subject the business operation to revocation at the discretion of the Community Development Director, Police Chief or Fire Chief.

3. 540 Poplar

Request for a Use Permit to allow a large family day care operation in a single-family residential zone; per Section 12.84.200 & 12.96.060.C.6 of the San Bruno Zoning Ordinance. Joseph & Lynne Pisani (Applicant/Owner) UP-07-009

Assistant Planner Russell entered staff report.

Staff recommends that the Planning Commission approve Use Permit 07-009 based on the Findings of Fact (1-5), subject to Conditions of Approval (1-17).

Commissioner Chase: Asked about the Code Enforcement case for working on cars at the site.

Assistant Planner Russell: The issue was resolved in 2005.

Applicant: I have been operating daycare here for 2 years, I would like to expand to accommodate siblings. I have worked on cleaning the garage, and the driveway. We only have 2 cars. Neighbors have been accommodating by leaving parking available in front of home. Spoke to neighbors regarding concerns. Carpet-covered patio in backyard to minimize noise. Children are not allowed upstairs, in garage or storage areas.

Chair Biassotti: Any questions for applicant?

Commissioner Peterson: Are you going to have a sign for pick up?

Applicant: I will have a temporary board, yes.

Commissioner Chase: Has the State approved your application for larger daycare?

Applicant: Need use permit and fire inspection, prior to state approval.

Public Comment opened.

None

Public Comment closed.

Motion to approve Use Permit 07-009 based on the Findings of Fact (1-5), subject to Conditions of Approval (1-17).

Commissioner Sammut/Chase

VOTE:	6-0
AYES:	All Commissioners Present
NOES:	None
ABSTAIN:	None

Chair Biasotti advised of a 10-day appeal period.

FINDINGS FOR APPROVAL

1. The use permit to operate a large family day care home is for the house located at 540 Poplar Avenue, which is located in a residential district.
2. The use permit to operate a large family day care home at the house at 540 Poplar Avenue will not, with the Conditions of Approval, result in undue negative impacts upon the neighborhood vicinity in terms of traffic, parking, and noise.
3. The operator of the facility will provide a one-car driveway on the lot for parking or stopping of vehicles to allow children to be picked up or dropped off within thirty (30) minutes before and after the hours of the day when day care will be provided.
4. The existing home complies with applicable off-street parking standards of the zoning code since the subject property contains a legally non-conforming one-car garage.
5. Based on a site inspection by the Fire Department staff, with the conditions of approval, the existing home complies with applicable building and fire code provisions.

CONDITIONS FOR APPROVAL

Community Development Department - (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 07-009 shall not be valid for any purpose.
2. Applicant must obtain a business license through the Finance Department.
3. The request for a use permit for a large family day care home at 540 Poplar Avenue shall operate according to plans approved by the Planning Commission on April 17, 2007, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. Parents and guardians dropping off and picking up children from the home shall be directed to not honk their car horn.
5. Parents and guardians dropping off and picking up children from the home must park on the driveway when picking up and dropping off their children. Only in the event the driveway is not available, the parents shall use the parking area directly in front of the home. Parents and guardians shall obey all traffic laws and not use neighbors' driveways to turn around.
6. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

7. Children shall be supervised at all times when outdoors to control noise levels. Violation of the Noise Ordinance could result in this application being called back up to the Planning Commission for revocation.
8. The applicant shall obtain a license from the State of California to operate a large family day care center.
9. The number of children shall be limited to a maximum of fourteen (14) at any one time, including any of the applicant's own children.
10. Applicant shall park their personal vehicle(s) in the garage and driveway space closest to the garage within thirty (30) minutes before and after daycare hours. The driveway space closest to the street must be left open for drop off and pick up of children. If, in the future, non-resident employees are hired, they must park in the garage or receive approval for a revised parking configuration from the Community Development Director.
11. Applicant shall stagger drop off and pick up times to the maximum extent feasible.
12. Applicant's household shall comply with all aspects of the San Bruno Municipal Code related to inoperable vehicles and working on vehicles on residential properties (12.100.055). Applicant shall not perform work on any vehicle outside of an enclosed garage other than minor repair and maintenance. Such work shall be done only between the hours of 8 A.M. and 10 P.M.

Fire Department - (650) 616-7096

13. Provide a manual pull station with a horn and strobe. Installation will require an electrical permit.
14. Approval pending final inspection by Fire Department.
15. Chimney requires a flame arrestor.
16. Four (4) inch illuminated address numbers are required at front of building.
17. Hardwired smoke alarms with battery backups required throughout building as needed.

4. 112 Park

Request for a Use Permit to allow a dental office in a neighborhood commercial zone per Section 12.96.100.C.3 of the San Bruno Zoning Ordinance; and request for a Parking Exception to allow a dental office with eight (8) parking spaces, where eleven (11) are required per Sections 12.100.090 and 12.100.120.A of the San Bruno Zoning Ordinance. UP-07-014 and PE-07-003. Dr. Janet Lim-Ombao and Erwin Ombao (Applicants) Ashok Gujral (Owner).

Assistant Planner Russell: Entered staff report

Staff recommends that the Planning Commission approve Use Permit 07-014 and 07-003 based on the Findings of Fact (1-7), subject to Conditions of Approval (1-16).

Vice Chair Marshall: Mailing address for site is Millbrae?

Assistant Planner Russell: Yes, the mailing address is Millbrae, but the site is legally located in San Bruno.

Commissioner Mishra: What would parking requirements be if 1,200 medical office and 860 for general office?

Interim Director Akin: 9 spaces would be required.

Commissioner Mishra: So this proposal is one space short of that requirement.

Chair Biassotti: Any more questions for staff?

Commissioner Mishra: Would like to see bike rack.

Applicant: Would agree to add a bike rack.

Commissioner Chase: Asked about the parking demand of employees.

Applicant: Responded, one dentist, and two support staff.

Vice Chair Marshall: Noted that there is a public parking lot across the street.

Public Comment opened.

None

Public Comment closed.

Motion to approve Use Permit 07-014 and 07-003 based on the Findings of Fact (1-8), subject to Conditions of Approval (1-17) including a new Condition requiring that the applicant install a bike rack at the site.

Commissioner Chase/Mishra

VOTE:	6-0
AYES:	All Commissioners Present
NOES:	None
ABSTAIN:	None

Chair Biasotti advised of a 10-day appeal period.

FINDINGS OF FACT

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in

the neighborhood of such proposed use since planned changes are improvements to the property and a dental use will not generate more negative impacts than the existing use.

2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given that: there are no exterior changes proposed to building itself; the site improvements will increase the landscaping and enhance safe use of the parking lot; and dentistry is not associated with negative impacts or safety concerns.
3. The proposed development will be consistent with the intent of the general plan, since the general plan map contains an error and the site has been use as an office since 1956.
4. The strict application of the parking requirement provisions would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property since the maximum possible amount of parking is proposed that complies with the Municipal Code and ADA.
5. That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this chapter as are reasonably possible.

CONDITIONS OF APPROVAL

Community Development Department – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 07-014 and Parking Exception 07-003 shall not be valid for any purpose. Use Permit 07-014 and Parking Exception 07-003 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit and Parking Exception shall be built according to plans approved by the Planning Commission on April 17, 2007, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

6. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
7. The allowed use of the site shall be limited to medical/dental office and those uses allowed in the C-N district, and with parking requirements similar or less than medical/dental office use, without issuance of a parking exception by the Planning Commission.
8. All signs shall be approved by the Planning Division under a separate application and must comply with Fire Department Conditions of Approval.
9. Applicant shall submit to Planning Division a detailed landscape plan prior to any Building Division permit issuance that includes: a plant schedule with Latin and common names, the proposed location of proposed plants, and irrigation lines.
10. The applicant shall install a bike rack on-site.

Department of Public Works – (650) 616-7065

11. Encroachment Permit from Engineering Department required prior to work in the public right-of-way. S.B.M.C. 8.16.010
12. Remove and replace all sidewalk at front of property for all locations where there are any raised or offset concrete sections greater than 3/4-inch. S.B.M.C. 8.12.010.
13. Storm water from new and existing roof down-spouts shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
14. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule. S.B.M.C. 8.24.060

Fire Department – (650) 616-7096

15. Incorporate new address numbers into monument sign.
16. Provide minimum 8" address numbers mounted on an approximate 11" X 14" backing and hung from the fascia (gutters) visible from parking lot.
17. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

Recess – back at 9:00 pm

5. 249-257 Santa Lucia

Appeal of the Community Development Director's Decision that an appeal was not made in the prescribed amount of time and that not more than 4-units legally exist on this parcel per section 12.92.030 of the San Bruno Municipal Code.

Commissioner Marshall: Recused himself from the meeting.

Interim Director Akin: Entered staff report and introduced Rick Jarvis, consulting attorney for staff.

Commissioner Mishra: How do we know they originally received the denial letter?

Interim Director Akin: Owner indicates in their appeal that they received the letter.

Commissioner Mishra: Are units legal with respect to egress?

Code Enforcement Officer Umesh: Conducted inspection for minimum life safety

Interim Director Akin: Applicant can choose which units to keep

Chair Biassotti: So end results will be four larger units?

Interim Director Akin: Yes, or storage.

Applicant: George Cory, representing Mr. and Mrs. Bianchi, asked the commission if they would hear item on merits? City did not follow up on enforcement after Foscardo letters. Mr. Bianchi met with Ms. DeHart and paid unit tax. Would the commissions be willing to hear item on merits of case?

Pamela Thompson: Advised that the commission could hear entire presentation.

Chair Biasotti: Please continue.

Applicant: Housing is safe and has long term residents.

Commissioner Chase: Parking is a problem in this area. Found many buildings in this area with one parking space per unit.

Pamela Thompson: Commission could at this point make a decision on finding first or at conclusion of receiving information.

Chair Biassotti: Hear more information or make a decision? Commission consensus to hear more information.

Commissioner Chase: Asked about the date on photo on Exhibit G?

Applicant: It is a recent photo, typo on date.

Chair Biassotti: What was the remedy to rectify 7 units?

Applicant: De Haut instructed owner to fill out apartment tax.

Commissioner Mishra: Which unit is the 8th illegal unit?

Interim Director Akin: Unit is 253A and contains a kitchen.

Commissioner Petersen: How could Ms. De Haut take such action?

Pamela Thompson: Staff cannot give away zoning at counter.

Chair Biassotti: What would paper trail have been, if units were approved?

Interim Director Akin: Same letters as we have denying item.

Commissioner Sammut: If denied, where does it go and who will make decisions on which units remain?

Interim Director Akin: Planning Commission decision is appealable to City Council. If denied, will work with owner on which units they want to keep and have them pull a building permit to modify accordingly.

Commissioner Petersen: How many people can reside in the units?

Interim Director Akin: County housing standards limit two people per room.

Applicant: Stated that his father built most of the home. He showed Ms. De Haut information that units existed prior to 1977, she then told him to fill out tax form. When the house moved at 253 added units below addition in 1986 approved by building official.

Public Comment opened.

Luis: Stated that he used to live in the house and suffered accident at the property. He went to city to address the dangerous situation.

Public Comment closed.

Motion to deny the appeal and uphold on the decision of the Interim Community Development Director, based on the Findings (1-2), as listed in the staff report.

Commissioner Chase/Mishra

VOTE:	5-0
AYES:	All Commissioners Present
NOES:	None
ABSTAIN:	None

Chair Biasotti advised of a 10-day appeal period.

FINDINGS

The Community Development Director determined that only four legal units exist onsite based on the following findings:

1. The applicant was informed of the legality of the units in 1998, specifically that only 4-legal units exist onsite, and did not appeal the determination within the legally prescribed timeframe outlined in Section 12.92.030.3 of the San Bruno Municipal Code.
2. Based on City documents, and the information provided by the applicant, the original 1998 determination by Mr. Foscardo was correct in stating that four legal units exist onsite.

F. Discussion

1. City Staff Discussion: Commissioners Sammut, Chase, and Biassotti volunteered for the May 10, 2007 Architectural Review Committee meeting.
2. Planning Commission Discussion
Chair Biassotti: Will discuss Planning Commissioners conference at the next meeting.
Commissioner Chase: Good job on staff reports.

G. Adjournment

Meeting was adjourned at 10:15 pm

Aaron Aknin

Secretary to the Planning Commission
City of San Bruno

Rick Biasotti, Chair

Planning Commission
City of San Bruno

NEXT MEETING: March 20, 2007

AA/ch



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Lisa Costa Sanders, *Acting Planning Manager*
Tony Rozzi, *Assistant Planner*
Laura Russell, *Assistant Planner*
Pamela Thompson, *City Attorney*

PLANNING COMMISSION

Rick Biasotti, *Chair*
Bob Marshall, Jr., *Vice-Chair*
Kevin Chase
Mary Lou Johnson
Perry Petersen
Joe Sammut
Sujendra Mishra

**PLANNING COMMISSION
STAFF REPORT
AGENDA ITEM NO. E 1
May 15, 2007**

REQUEST

Ordinance modifying and clarifying the process for obtaining Temporary Use Permits for various activities and for obtaining Police Permits for dance or entertainment events.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2007-__ recommending the City Council adopt the proposed Ordinance Modifying and Clarifying the Process Contained in Title 12, "Land Uses," for Obtaining Temporary Use Permits for Various Activities and For Obtaining Police Permits for Dance or Entertainment Events

REVIEWING AGENCIES

Community Development Department
City Attorney

EXHIBITS

- A. Resolution No. 2007-__
- B. Proposed Ordinance Amending Chapter 12.84.030 "Temporary Uses"

REQUIRED LEGAL NOTICE

- 1. Advertisement published in the *San Mateo Daily Journal*, Saturday, May 5, 2007.

ENVIRONMENTAL ASSESSMENT

This Ordinance is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 5, Section 15305: Minor Alterations in Land Use Limitations.

BACKGROUND:

Previously, the Community Development Department had proposed some modifications to Chapter 12.84.030 "Temporary Land Use Permits" in order to clarify the process by which various types of temporary land use applications ought to be handled. Staff was concerned there is uncertainty under the existing code as to the process for handling two kinds of requests that arise from time to time. One request is for temporary use of off-site staging areas of construction work for projects. For example, this was an issue during the PG&E 280 kv project. The other is for seasonal events such as holiday tree lots, pumpkin lots or other limited events.

The Planning Commission reviewed and adopted staff's recommendation in August, 2006. The City Council received staff's recommendation on September 12, 2006 but asked staff to make substantial changes. Staff completely rewrote the proposed ordinance to provide more detail and structure. On February 13, 2007, the City Council reviewed staff's draft ordinance and provided some additional guidance. Having incorporated that guidance, the ordinance is ready for the Planning Commission's review as is required for all proposed zoning amendments.

DISCUSSION:

The significant proposed changes to Chapter 12.84.030 are as follows:

- The noticing requirements for issuing a temporary use permit have been clarified and simplified to the extent allowed by law, as per the chart below. (12.84.030(D)&(E))
- Applications must be submitted 60 days before the intended use is contemplated to commence in order to provide adequate time for review, processing, and appeals.
- A temporary use (not previously defined) is now defined as a one-time, occasional, or recurring use of a duration less than or equal to one calendar year that is allowed as a conditional use in a zoning district subject to obtaining a permit and excludes public dance or entertainment events as described in Chapter 4.08. (12.80.483)
- Temporary uses, subject to a permit, that are allowed in designated zones (commercial and industrial districts) will now include:
 - Holiday tree lots between 11/1 and 12/31;
 - Pumpkin sales during October;
 - Recurring events that are similar to other conditional uses in that district that occur within limited business hours, and that occur more than three times per year at a frequency not to exceed two times per week for up to one calendar year (such as farmer's markets, arts & craft fairs, or other aggregate commercial concessions);
 - Off-site construction staging areas; and
 - Any use that the Community Development Director finds is similar.
- Subject to a permit, "temporary uses" would be allowed in the following districts: Commercial-Neighborhood, C-1, C-2, General Commercial, Central Business District, Unclassified Districts, and Planned Development Districts. (12.96.100-120, 12.96.180, 12.96.190)
- Event permits for church fairs, chamber of commerce events, and the like will still be issued through a fairly simple administrative process, but minor changes have been made to Chapter 4.08 for consistency with temporary use permit sections.

Process for TUPs	TUP 3 month or less	Off-site construction yards up to 1 year & TUPs 3 months + & less than a year	CUP
Who grants/denies/revokes	Community Development Director	Planning Commission	Planning Commission
Appeals heard by	City Manager	City Council	City Council
Notice before granting/denying	10-day notice is posted 3 conspicuous locations <u>and</u> mailed to property owners within 300 feet	10-day notice is posted in 3 conspicuous locations <u>and</u> mailed to property owners within 300 feet	10-day notice is published in paper <u>or</u> posted in 3 conspicuous locations <u>and</u> mailed to property owners within 300 feet (12.132.030)
Legal standard for granting/denying	Same as CUP	Same as CUP	Not detrimental to the general welfare, etc. (12.112.050(B))
Notice before revoking	10-day notice by mail to permittee <u>and</u> to adjacent property owners	10-day notice by mail to permittee <u>and</u> to adjacent property owners	10-day mailed notice to permittee <u>and</u> property owners within 300 feet <u>and</u> published in paper <u>or</u> noticed in 3 conspicuous locations (12.128, 12.132)
Legal standard for revoking	Same as CUP	Same as CUP	Terms or conditions of approval are violated or if any law is violated in connection therewith

FINDINGS

1. The proposed zoning text amendments are all consistent with the General Plan of the City of San Bruno.
2. The request to amend the San Bruno Zoning Ordinance has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and the San Bruno environmental review procedures and this zoning text amendment is Categorical Exempt.
3. The proposed amendment related to temporary uses will not be detrimental to the health, safety, morals, comfort and general welfare of the Citizens of San Bruno.

Date of Preparation: May 7, 2007
 Prepared by: Aaron Akin, Interim Community Development Director

Lisa Costa Sanders, Acting Planning Manager



To: Chair Rick Biasotti and Members of the Planning Commission
From: Planning Division Staff
Subject: Item F.1. Staff Discussion:
Overview of historical resources in federal, state, and local context
Date: May 15, 2007

Background

At the Planning Commission meeting of April 17, 2007, the Commission approved an application for a use permit for an historical home. In the course of that discussion, the Commission asked staff several questions about historical resources and how they fit into the regulatory context. Interim Community Development Director Aknin suggested that these larger issues be reviewed at a future meeting. Staff has prepared this memo as an overview of historic resources at the federal, state, and local level; the City of San Bruno Historic Building Survey 2001, and the role of historic resources in the CEQA review process.

Federal, State and Local Resources

The National Register of Historic Places is the official federal list of districts, sites, buildings, structures, and objects significant in American history. This list has the most stringent criteria and includes items of national significance. To be eligible, properties must retain a high level of "integrity," defined as the ability of a property to convey its significance. The qualities that define integrity include location, design, setting, materials, workmanship, feeling, and association. To be eligible for the National Register, properties should retain most of these aspects of integrity.

The State preservation program is modeled after the national program in many respects. The California Register of Historical Resources has similar criteria for integrity, but requires a slightly lower standard. Essentially it requires that properties retain enough of their historic character to be recognizable as historic resources.

To be eligible for either list, properties must be at least 50 years old (with exceptions) and meet one or more of the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of the United States or California.
2. It is associated with the lives of persons important to national or California history.
3. It embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of a master or possesses high artistic values.
4. It has yielded or has the potential to yield information important to the prehistory or history of the nation or California.

There are many potential benefits to being listed on the National or State Registers including grants for rehabilitation and tax abatement programs. Additionally, the California State Historic Building Code includes alternative building standards to facilitate restoration of historic resources while providing for the safety of the building occupants.

Throughout California, many cities and counties have adopted historic preservation programs based on the national and state models. A common course of action for local government is to conduct an inventory of districts and buildings that may be historic and evaluate their significance based on the federal/state criteria or locally adopted criteria. California law describes a “local register of historical resources” as a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution. Local governments have the authority to adopt ordinances to protect historical resources.

San Bruno Historic Building Survey

In 2001 the San Bruno Redevelopment Agency approved funding for a survey of historic resources within the Redevelopment Area. The survey was completed by the San Mateo County Historical Association (SMCHA) along with their subconsultant, Kent Seavey. A detailed list of resources was developed, including the Cupid’s Row District and 52 individual buildings. The Historic Building Survey was completed in 2003 and is attached as Exhibit A.

CEQA and Historic Resources

Regardless of whether a property is listed on any register of historic resources, it may be considered significant for the purposes of CEQA. Any resource listed in, or eligible for, listing in the California Register of Historical Resources is automatically presumed to be historically significant. If a property is listed in a local register then it is automatically considered significant. Finally, the lead agency for CEQA review has the authority to determine that a resource is historically significant, even if it has not been formally recognized in the past.

Under CEQA, a substantial change in the significance of an historical resource is treated the same as a significant effect on the environment. If there is potential for an adverse change in the significance of a historical resource (what makes it historical in the first place), then a Categorical Exemption cannot be used. California Code defines “substantial adverse change” as demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired. Therefore, if a project destroys or alters the historical aspects of a property, preparation of a mitigated negative declaration or EIR may be required.

It is important to note that CEQA review is only required for “projects,” meaning that a discretionary approval by local government is required. CEQA does not apply to ministerial actions, such as issuance of building permits. For example, the renovation of a historically significant home that does not require a discretionary approval such as a use permit could proceed without CEQA review.

Exhibit

A: City of San Bruno Historic Building Survey 2001